

### **REMARKS**

The present invention is directed to immunogenic compositions comprising fibroblast growth factor ("FGF") and/or vascular endothelial growth factor ("VEGF"), to methods for treating cancer or hyperproliferative disorders in humans or animals, and also to methods for treating humans or animals in need of an immune response to a growth factor.

Claims 5-13, 15, 17-23 and 25-29 and 50 are currently pending in the above-identified application. In response to the Office Action dated January 14, 2003 and in order to facilitate prosecution, Claims 5, 15, and 25 are herein amended. No new matter has been added and support for the claims is found in the specification. Applicants submit the following remarks in an effort to address the rejections raised in the Office Action.

#### *Claim Objections*

In the Office Action dated January 14, 2003, the Examiner noted that claim 50 had been misnumbered as claim 30 and that a correction had been made in the file. Applicants acknowledge the discrepancy and appreciate Examiner's assistance in correcting the numbering.

The Examiner further noted that claims 30-49 are withdrawn from consideration for being directed to a non-elected invention. Applicants acknowledge the withdrawal and retain the right to pursue these claims at a later time.

#### *Withdrawal of Claim Rejections*

Applicants appreciate the Examiner's consideration and withdrawal of claim rejections under 35 U.S.C. § 112, first paragraph (claims 15 and 17-23), under 35 U.S.C. § 102(b) (claim 6), and under 35 U.S.C. § 112, second paragraph (claims 5-13, 15, 17-23 and 25-29).

#### *Rejection of Claims 5, 7-10 and 25-29 under the judicially created doctrine of obviousness-type double patenting*

Claims 5, 7-10 and 25-29 remained rejected in the January 14 2003 Office Action under the judicially created doctrine of obviousness-type double patenting as being "unpatentable over claims 1-3, 6-8, 15-17, and 19-21 of U.S. Patent No. 5,919,459 (Nacy et al.).

Once allowable subject matter is indicated, applicants will fully respond to this rejection and file a terminal disclaimer.

*Rejection of Claims 5-13, 15, 17-23, 25-29 and 50 under 35 U.S.C. § 112, first paragraph*

In the January 14, 2003 Office Action, the Examiner rejected claims 5-13, 15, 17-23, 25-29 and 50 under 35 U.S.C. § 112, first paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors at the time of the application was filed, had possession of the claimed invention. Specifically the Examiner noted that the specification lacked support for the immunogenic fragments of either FGF heparin binding domain or VEGF receptor binding domain. The Examiner stated that the specification provided support for immunogenic peptides consisting of either FGF heparin binding domain or VEGF receptor binding domain. In an effort to facilitate prosecution, applicants have herein amended the claims so that they recite “immunogenic peptides consisting of either FGF heparin binding domain or VEGF receptor binding domain only”, and not “immunogenic fragments of either FGF heparin binding domain or VEGF receptor binding domain”. Accordingly, applicants respectfully request reconsideration and withdrawal of this rejection.

*Rejection of Claims 5 and 6 under 35 U.S.C. § 102(b)*

In the January 14, 2003 Office Action, the Examiner rejected claims 5 and 6 under 35 U.S.C. §102(b) as being anticipated by Baird et al. (U.S. Patent No. 5,252,718). According to the Examiner, Baird et al. teach a peptide “that is identical to SEQ ID NO:2, wherein they further teach that the peptides are heparin binding and can be used in conjunction with pharmaceutical carriers.” In an effort to facilitate prosecution, Applicants have herein amended claims 5 and 6 and removed reference to SEQ ID NO:2. Reconsideration and withdrawal of this rejection is therefore respectfully requested.

*Rejection of Claims 5-10 under 35 U.S.C. § 103(a)*

In the January 14, 2003 Office Action, the Examiner rejected claims 5-10 under 35 U.S.C. §103(a) as being unpatentable over Baird et al. (U.S. Patent No. 5,252,718). In an effort to facilitate prosecution, Applicants have herein amended claims 5 and 6 and removed reference to SEQ ID NO:2. Reconsideration and withdrawal of this rejection is therefore respectfully requested.

*Conclusion*

In light of the amendments, Applicants are of the opinion that Claims 5-13, 15, 17-23 and 25-29 are now in condition for allowance. Such action is respectfully requested. If the Examiner believes any informalities remain in the application which may be corrected by Examiner's Amendment, or there are any other issues which can be resolved by telephone interview, a telephone call to the undersigned attorney at (404) 745-2463 is respectfully solicited.

Respectfully submitted,



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